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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 JOHN MADRID,

9 Plaintiff,

10 vs.

11 P. D. PEASE, et al.,

12 Defendants.
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1:15-cv-00770-LJO-GSA (PC)

ORDER DENYING MOTION FOR
INITIATION OF SERVICE
(ECF No. 8.)

14 **I. BACKGROUND**

15 John Madrid ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in
16 this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
17 commencing this action on May 21, 2015. (ECF No. 1.) On June 24, 2015, Plaintiff filed the
18 First Amended Complaint, together with a motion for the court to initiate service of process
19 upon the defendants. (ECF Nos. 7, 8.)

20 Plaintiff's motion for initiation of service is now before the court.

21 **II. SCREENING AND SERVICE OF PROCESS**

22 The court is required by law to screen complaints brought by prisoners seeking relief
23 against a governmental entity or officer or employee of a governmental entity, such as the
24 instant action brought pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 1915A(a). The court must
25 dismiss a complaint or portion thereof if the prisoner has raised claims that are legally
26 "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek
27 monetary relief from a defendant who is immune from such relief. 28 U.S.C.
28 § 1915A(b)(1),(2).

1 With respect to service, the court will, *sua sponte*, direct the United States Marshal to
2 serve the complaint only after the court has screened the complaint and determined that it
3 contains cognizable claims for relief against the named defendants.

4 Plaintiff requests the court to initiate service of process upon defendants in this action.
5 However, Plaintiff's First Amended Complaint was filed less than a week ago and awaits the
6 court's screening. Therefore it is not time for service in this action.

7 **III. CONCLUSION**

8 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for initiation
9 of service of process, filed on June 25, 2015, is DENIED.

10 IT IS SO ORDERED.

11 Dated: June 25, 2015

12 /s/ Gary S. Austin
13 UNITED STATES MAGISTRATE JUDGE